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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,861	04/21/2004	Kevin R. Lessard	TKG4355	5519
30245	7590	12/21/2005	EXAMINER	
ANTHONY EDW. J CAMPBELL PO BOX 160370 AUSTIN, TX 78716			SMITH, TIMOTHY SCOTT	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 12/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/828,861	LESSARD, KEVIN R.	
	Examiner	Art Unit	
	Timothy S. Smith	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action represents a second Office Action for the application titled "MAILBOX SUPPORT STRUCTURE DEVICE, KIT AND METHOD," filed April 21, 2004.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 103

1. Claims 1-2, 4, 6-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nash (U.S. Patent No. 3,497,078) in view of Kagels (U.S. Patent No. 3,229,940), and in further view of U.S. Patent No. 6,435,801 to Talbott.

Nash discloses a mailbox support structure device 10 comprising: a telescoping horizontal post member 19 made of plastic, metal, or wood (column 4, lines 9-13) attached to a vertical post member 16 made of plastic, metal, or wood (column 4, lines 14-15), said telescoping horizontal post member 19 having an inner piece 26 slidably engaged with an outer piece 24, said telescoping horizontal post member 19 having a plurality of holes 27 traversing entirely through said inner piece 26 and having at least one hole 28 traversing entirely through said outer piece 24 of said telescoping horizontal post member 19; a locking pin 29 slidably engaged with said hole 28 of said outer piece 24 of said telescoping horizontal post member 19 and slidably engaged with any one hole of said plurality of holes 27 in said inner piece 26 of said telescoping horizontal post member 19; and a letterbox 11 attached to said telescoping horizontal post member 19.

In regards to claim 1, although Nash does not disclose a telescoping vertical post member attached to said telescoping horizontal post member 19, said telescoping vertical post member having an inner piece slidably engaged with an outer piece, said telescoping vertical post member having a plurality of orifices traversing entirely through said inner and having at least one orifice traversing entirely through said outer piece of said telescoping vertical post member; and a pair of locking pins, one of said locking pins slidably engaged with said orifice of said outer piece of said telescoping vertical post member and slidably engaged with anyone orifice of said plurality of orifices of said inner piece of said telescoping vertical post member, wherein each locking pin having an aperture traversing through each locking pin, attention is directed to the Kagels and Talbott reference. The Kagels reference teaches a telescoping vertical post member having an inner part 11 slidably engaged with an outer part 10, said telescoping vertical post member having a plurality of holes 12 traversing entirely through said inner part 11 and having at least one hole 14 traversing entirely through said outer part 10 of said telescoping vertical post member; a horizontal post member 16 attached to said telescoping vertical post member; and a locking pin 13 slidably engaged with said hole 14 of said outer part 10 of said telescoping horizontal post member and slidably engaged with any one hole 12 of said plurality of holes 12 in said inner part 11 of said telescoping vertical post member. The Talbott reference teaches a locking pin 106 that slidably engages with a hole (see figure 7) of an outer part 98 of a telescoping post member and slidably engages with a hole in an inner part 74 of a telescoping post member, wherein said locking pin 106 has an aperture traversing (see figure 7, and

column 4, lines 30-39) through it. In view of Kagel and in further view of Talbott, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the mailbox stand of Nash with a telescoping vertical post member attached to the telescoping horizontal post member, said vertical post member having an inner part slidably engaged with an outer part, said telescoping vertical post member having a plurality of holes traversing entirely through said inner part and having at least one hole traversing entirely through said outer part of said telescoping vertical post member, and locking pins with an aperture traversing through each locking pin, wherein doing so would provide vertical adjustment of said vertical post member and prevent the locking pin from disengaging from the post members.

In regards to claims 2 and 15, Nash in view of Kagel discloses the support as applied above, but does not disclose a pair of locks, each lock attached to said aperture of each locking pin. Nevertheless, Talbott discloses a lock 108, locked to an aperture of a locking pin 106. In view of Talbott, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a locking pin of Nash with a lock attached to an aperture of said locking pin, wherein doing so would prevent the locking pin from disengaging from the post member.

Regarding claim 7, although the prior art failed to teach a plastic selected from the group consisting of rubber, neoprene, nylon, polyvinyl chloride, polyester, polyethylene, polypropylene, polyurethanes, polyacryls, polymethacryls, cellulosic polymers, styrene-acryl copolymers, polystyrene-polyacryl mixtures, polysiloxanes, urethane-acryl copolymers, siloxane-urethane copolymers, polyurethane- polymethacryl

Art Unit: 3632

mixtures, silicone-acryl copolymers, vinyl acetate polymers, and mixtures thereof, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make said telescoping horizontal and vertical post members from a plastic selected from the above mentioned group as they all are well known and obvious types of plastic in the art and would merely amount to substitution of one material for another within the same art that would work equally well in the Nash support device.

Regarding claim 9, although the prior art failed to teach a metal selected from the group consisting of steel, aluminum, brass, bronze, nickel, iron, manganese, titanium, tungsten, and copper, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make said telescoping horizontal and vertical post members from a metal selected from the above mentioned group as they all are well known and obvious types of plastic in the art and would merely amount to substitution of one material for another within the same art that would work equally well in the Nash support device.

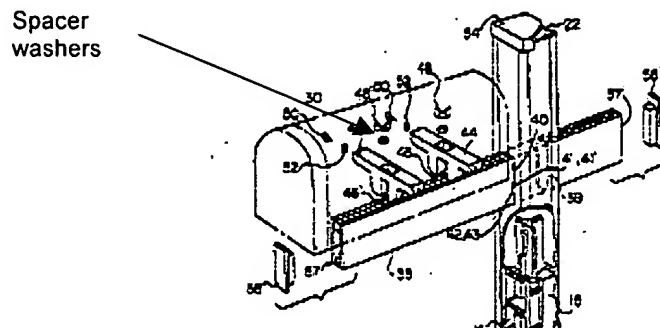
Regarding claim 11, although the prior art failed to teach wood selected from the group consisting of maple, oak, ironwood, elm, ash, cedar, fir, pine, poplar, ebony, ash, and hemlock, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make said telescoping horizontal and vertical post members from wood selected from the above mentioned group as they all are well known and obvious types of wood in the art and would merely amount to substitution of one material for another within the same art that would work equally well in the Nash support device.

Art Unit: 3632

Regarding claims 12 and 13, although the prior art failed to teach a telescoping vertical post member that can extend in length from about four feet to about six feet and a telescoping horizontal post member that can extend in length from about two feet to about four feet, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have designed telescoping vertical and horizontal post members that can extend in length from about four feet to about six feet and from about two feet to about four feet, respectively, wherein doing so would amount to mere design choice.

2. Claims 3 and 16, and 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nash (U.S. Patent No. 3,497,078) in view of Kagels (U.S. Patent No. 3,229,940), in view of Talbott (U.S. Patent No. 6,435,801), and in further view of Barrett (U.S. Patent No. 5,022,618).

In regards to claims 3 and 16, Nash in view of Kagel, and in further view of Skarp teach the previously described invention of claims 1 and 14, but they fail to teach a pair of spacer washers attached to a telescoping horizontal post member. Nevertheless, Barrett discloses a pair of spacer washers (see figure below) attached to a horizontal post member 38. In view of Kagels, Talbott, and Barrett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the mailbox stand of Nash with a pair of spacer washers attached to a telescoping horizontal post member wherein doing so would strongly secure the letterbox to the telescoping horizontal post member.



In regards to claims 5 and 18, Nash in view of Kagels, and in further view of Talbott teach the previously described invention of claims 4 and 14, but they fail to teach a pair of screws attached to a telescoping horizontal post member and attached to a letterbox. Nevertheless, Barrett teaches a pair of screws 50 attached to a horizontal post member 38 and attached to a letterbox 30. In view of Kagels, Talbott, and in further view of Barrett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the telescoping horizontal member of Nash with a pair of screws attached to said telescoping horizontal post member and attached to the letterbox wherein doing so would strongly secure the letterbox to the telescoping horizontal post member and allow removal of the letterbox for replacing.

Response to Amendment

3. Examiner acknowledges the changes made to claims 1 and 7 based upon objections made in the first office action.
4. Applicant's arguments filed October 17, 2005 have been fully considered but they are not persuasive.

Art Unit: 3632

The text of the MPEP specifically states that the rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art provided that a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Although the examiner has not specifically cited motivations for combining the references in the references themselves, the examiner has presented convincing lines of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Accordingly, the rejections under 35 U.S.C. 103(a) stand.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Smith whose telephone number is 571-272-8296. The examiner can normally be reached on M-F: 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.



Timothy S. Smith
Patent Examiner
Art Unit 3632
December 14, 2005



ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600